

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

<b>Case No.</b>	<b>CV 15-2490 FMO (JCx)</b>	<b>Date</b>	<b>September 4, 2015</b>
<b>Title</b>	<b>Board of Trustees of the Cement Masons Southern California and Welfare Fund, et al. v. Conrod Concrete, Inc., et al.</b>		

Present: The Honorable		Fernando M. Olguin, United States District Judge	
Vanessa Figueroa		None Present	
Deputy Clerk		Court Reporter / Recorder	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None Present		None Present	
Proceedings:	(In Chambers) Order to Show Cause Re: Dismissal Re: Lack of Prosecution		

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 120 days after the complaint is filed. Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. P. 12(a). The court may dismiss the action prior to the 120 days, however, if plaintiff(s) has/have not diligently prosecuted the action.

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing on or before **September 9, 2015**, why this action should not be dismissed for lack of prosecution. Pursuant to Fed. R. Civ. P. 78(b), the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of plaintiff's response, if plaintiff/defendant files:

- An answer by the following defendant(s):  
**CONROD CONCRETE, INC. and RICHARD RODRIGUEZ**
- Plaintiff's application for entry of default pursuant to Fed. R. Civ. P. 55(a):  
**CONROD CONCRETE, INC. and RICHARD RODRIGUEZ**
- Plaintiff's motion for default judgment pursuant to Fed. R. Civ. P. 55(b):

on or before the date indicated above, the court will consider this a satisfactory response to the Order to Show Cause.

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Initials of Preparer	vdr		